

Appl. No. 09/825,045
Amdt. Dated November 16, 2004
Reply to Office Action of September 30, 2004

REMARKS

Claims 1 through 20 remain pending. Claims 1, 7, 8, 14,
and 15 have each been currently amended. Claims 2 through
5 6, 9 through 13, and 17 through 20 are original claims.
Claim 21 has been canceled.

"Claims 1-21 are rejected under 35 U.S.C. 102(e) as being
anticipated by Kong et al. (US 6,782,106, hereinafter
10 "Kong")."

The claims as now presented are not anticipated or made
obvious by Kong. Nor are the claims as now presented
anticipated or made obvious by the cited references not
15 relied upon, whether taken individually or in any
combination with one another or with Kong, as will be
discussed below.

Claim 1, as currently amended is now claiming:
20 A selective noise canceling headset, comprising:

at least one earpiece for reproducing a selected audio
signal;

a microphone for monitoring an external audio signal
in a vicinity of said headset; and

25 a selective noise suppression circuit for analyzing
said external audio signal, for in the absence of undesired
noise permitting said external audio signal to be added to
said selected audio signal for reproduction via said at
least one earpiece, and for preventing such reproduction of

Appl. No. 09/825,045
Amdt. Dated November 16, 2004
Reply to Office Action of September 30, 2004

said external audio signal at times that undesired noise is present.

The cited references do not individually or in any
5 combination teach the combination of elements of Claim 1
(currently amended), and particularly do not teach the use of
"a selective noise suppression circuit . . ." as now claimed.

For example, Kong teaches as indicated in the "Abstract," the
use of "volume controller for outputting sound signals only if
10 each of the volumes of a sound signal of a sound producing
device and the sound signal of the external sound receiver
exceeds a predetermined reference level, and a mixer for
mixing the sound signal of the sound producing device with the
sound signals output from the volume controller and outputting
15 the result." Clearly, this is different than and teaches away
from the ". . . selective noise suppression circuit. . ." of
Claim 1 (currently amended). Accordingly, Claim 1, as
currently amended, is free of Kong, and patentable.

20 Claims 2 through 7 are each dependent from Claim 1, and
accordingly are each patentable for at least the same reasons
as Claim 1 (currently amended.).

Claim 7, as currently amended now calls for: "The
25 selective noise canceling headset of Claim 1, wherein said
selective noise suppression circuit amplifies portions of said
external audio signal to be added to said selected audio
signal." Neither Kong or any other of the cited references
teaches the combination of elements of Claim 7, as currently
30 amended. Accordingly, for this reason alone, Claim 7
(currently amended) is patentable.

Appl. No. 09/825,045
Amdt. Dated November 16, 2004
Reply to Office Action of September 30, 2004

Independent Claim 8, as currently amended, now calls for:

A selective noise canceling device, comprising:

a microphone for monitoring an external audio signal;

5 and

a selective noise suppression circuit for analyzing said external audio signal, for in the absence of undesired noise permitting at least a portion of said external audio signal to be reproduced, and for preventing such reproduction of said external audio signal at times that 10 undesired noise is present.

Claim 8, as currently amended, is patentable for at least the same reason discussed above for showing that Claim 1 15 (currently amended) is free of the cited references.

Claims 9 through 14 are each dependent from Claim 8. Accordingly, these claims are patentable for at least the same reasons as Claim 8 (currently amended). Also, Claim 14 has 20 been currently amended in a similar manner to the amendment of the Claim 7. Accordingly, Claim 14, as currently amended, is patentable in and of itself for the same reasons as Claim 7 (currently amended).

25 Claim 15, as currently amended, now reads:

A selective noise canceling method, comprising:

monitoring an external audio signal;

analyzing said external audio signal;

Appl. No. 09/825,045
Amdt. Dated November 16, 2004
Reply to Office Action of September 30, 2004

amplifying portions of said external audio signal that are free of undesired noise; and

adding said amplified portions of said external audio signal to a selected audio signal for reproduction thereof.

5

Claim 15, as currently amended, is claiming a combination of elements not found in the cited references. More specifically, the steps of "amplifying . . ." and "adding . ." are not found in Kong, or in any of the other cited 10 references not relied upon. Accordingly, Claim 15, as currently amended, is free of the cited references and patentable. Claims 16 through 20 are each dependent from Claim 15. Accordingly, these dependent claims are patentable for at least the same reasons as Claim 15 (currently amended).

15

Appl. No. 09/825,045
Amdt. Dated November 16, 2004
Reply to Office Action of September 30, 2004

Applicants have shown that the claims as now presented are patentable over the cited references. Accordingly, it is respectfully requested that the claims be allowed and the case passed on to issue.

5

10

Respectfully submitted,



Kenneth Watov, Esquire
Registration No. 26,042
Attorney for Applicants

15

Address All Correspondence to:

Gregory L. Thorne, Esq., Reg. No. 39,398
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510
(914) 945-6000

20

25

30

35

12311023.AMD